

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

YATRAM INDERGIT, on behalf of himself  
and others similarly situated,

Plaintiff,

vs.

RITE AID CORPORATION,<sup>1</sup> RITE AID OF  
NEW YORK, INC. and FRANK  
OFFOR as Aider & Abettor,

Defendants.

**08 Civ. 9361 (JPO) (HBP)  
ECF Case**

**NOTICE OF DEFENDANTS' MOTION  
FOR RECONSIDERATION**

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PLEASE TAKE NOTICE THAT Defendants Rite Aid Corporation and Rite Aid of New York, Inc. ("Defendants") hereby move this Court, before the Honorable Judge Paul Oetken, on a date and time to be determined by the Court, to reconsider the Court's September 26, 2013 Opinion and Order granting Plaintiff's motion for Rule 23 class certification of his NYLL claims "as to liability" and denying Defendants' motion for decertification of Plaintiff's FLSA claim. (Dkt. No. 239, Order at 1.)

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<sup>1</sup>Rite Aid Corporation was not, and never has been during the relevant time frame, any Plaintiff's employer. Rite Aid Corporation appears specially and without waiver of any jurisdictional defenses.

In support of this Motion, Defendants submit their Brief in Support of Defendants' Motion for Reconsideration.

Respectfully submitted, this the 10th day of October, 2013.

s/ Daniel E. Turner

Daniel E. Turner

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 10, 2013, the foregoing document was filed via the Court's CM/ECF system, and was automatically served via electronic mail on all counsel of record:

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Dated: October 10, 2013  
Atlanta, Georgia

s/ Daniel E. Turner  
Attorney for Defendants Rite Aid of  
New York, Inc. and Rite Aid  
Corporation